



Committee on Natural Resources U.S. House of Representatives

Chairman Doc Hastings

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Chairman Hastings Seeks Transparency on Science, Issues Subpoena on White Bluffs Bladderpod Listing Decision

Action comes after agency's multiple failures to provide answers

WASHINGTON, D.C. – Today, House Natural Resources Committee Chairman Doc Hastings (WA-04) issued a [subpoena](#) to the U.S. Fish and Wildlife Service (FWS) seeking documents surrounding the process and science behind the decision to list the White Bluffs bladderpod as a threatened species under the Endangered Species Act. The Committee first [requested](#) documents on March 7, 2014 and, after the FWS missed the initial March 21, 2014 deadline, Chairman Hastings [warned](#) FWS Director Dan Ashe at a March 26th Full Committee hearing that a subpoena would be issued if the FWS did not fully comply by April 2nd. While some information has been provided, the majority of the document requests remain unanswered.

“The Administration is not being open and transparent about the science, or lack of science, used by the government to make this decision. The government shouldn’t keep science a secret. It’s been exactly one month since the Natural Resources Committee sent its initial request for documents and the Administration has yet again failed to fully respond within the allotted deadlines. I advised the Service’s Director at a hearing almost two weeks ago that a subpoena would be coming if we did not receive all of the requested information by April 2. That date has come and gone, and the request has still not been satisfied. While the Department has since provided some documents, largely from its own website, and given vague promises for more information in the future, this step is necessary to put an end to this deliberate stonewalling by the Administration. Americans have a right to know what science and data went into a listing decision that could have serious economic impacts. Subpoenas are never my preferred option, but it appears to be the only way to get the Administration to take our document requests seriously,” **said Chairman Hastings.**

Background

Amidst serious unanswered questions about the evidence it used, the FWS announced on December 19, 2013 the final listing of the White Bluffs bladderpod in Washington state as a threatened species under the ESA. This was part of the 2011 closed-door mega-settlement between the FWS and the Center for Biological Diversity, which established arbitrary deadlines for literally hundreds of listing decisions, including the bladderpod. The FWS moved forward with the listing despite the fact that contradictory scientific DNA evidence

showed a 100 percent match with bladderpod plants found abundantly in multiple states. This raised several specific concerns with the listing decision, including the FWS' basis for classifying the White Bluffs bladderpod as a separate subspecies, the FWS' questionable and inadequate process for notifying affected local landowners and citizens of the listing proposal, and the FWS' peer review of DNA data contradicting the listing.

On March 7, 2014, the Committee sent a [letter](#) to the FWS's Washington state office asking a number of questions and requesting documents about the selection and role of peer reviewers and the public participation process used in the decision. The request letter gave the FWS until March 21, 2014 to provide the requested explanations and documents that would help the Committee understand how the FWS arrived at the listing decision for the White Bluffs bladderpod.

The FWS provided an initial response on April 2, 2014, that consisted of 117 pages of documents, but the majority of the Committee's document request and questions remain outstanding and unanswered. The FWS has said that it will provide a second interim response in the next couple of weeks but has not indicated what will be provided or when it will fully comply with the Committee's request for information.

On January 16, 2014, the Committee [voted](#) 26-14 to authorize Chairman Hastings to issue subpoenas for documents and testimony for certain oversight matters, including those related to the implementation of the ESA. The subpoena provides clarity about what documents the FWS must provide and places the FWS on an enforceable deadline for complying.

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